REPORT of the

SELECT SPECIAL ETHICS COMMISSIONER AND OMBUDSMAN SEARCH COMMITTEE

PART ONE
MAY 8, 2003

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Legislative Assembly of Alberta

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May 8, 2003

To the Honourable Ken Kowalski
Speaker of the Legislative Assembly
of the Province of Alberta

The Select Special Ethics Commissioner and Ombudsman Search Committee has the honour to submit its Report - Part One containing the recommendation of a candidate to the position of Ethics Commissioner, for consideration by the Legislative Assembly.

Janis Tarchuk, MLA
Chair, Select Special Ethics Commissioner
and Ombudsman Search Committee

MANDATE

On November 20, 2002 the Legislative Assembly of Alberta passed the following motion appointing a Search Committee for the purpose of inviting applications for the positions of Ethics Commissioner and Ombudsman, and to recommend to the Assembly the applicants considered most suitable for appointment to these positions.

Be it resolved that:

1. A Select Special Ethics Commissioner and Ombudsman Search Committee of the Legislative Assembly of Alberta be appointed, consisting of the following members, namely:

Tarchuk (Chair)	Friedel	Pannu
Ducharme (Deputy Chair)	Graham	Taft
Blakeman	O'Neill	Tannas

for the purpose of inviting applications for the positions of Ethics Commissioner and Ombudsman and to recommend to the Assembly the applicants it considers most suitable for appointment to those positions.

2. The Chair and Members of the Committee shall be paid in accordance with the schedule of Category "A" Committees provided in the most current Members' Services Committee Allowances Order.

3. Reasonable disbursements by the Committee for advertising, staff assistance, equipment and supplies, rent, travel, and other expenditures necessary for the effective conduct of its responsibilities shall be paid, subject to the approval of the Chair.

4. In carrying out its responsibilities, the Committee may, with the concurrence of the head of the department, utilize the services of members of the public service employed in that department or the staff employed by the Assembly.

5. The Committee may, without leave of the Assembly, sit during a period when the Assembly is adjourned.

6. When its work has been completed, the Committee shall report to the Assembly if it is then sitting. During a period when the Assembly is adjourned, the Committee may release its report by depositing a copy with the Clerk and forwarding a copy to each Member of the Assembly.

The all-party membership of the Select Special Ethics Commissioner and Ombudsman Search Committee is as follows:

Chair:

Mrs. Janis Tarchuk, MLA
Banff-Cochrane (PC)

Deputy Chair:

Mr. Denis Ducharme, MLA
Bonnyville-Cold Lake (PC)

Members:

Ms Laurie Blakeman, MLA
Edmonton Centre (LIB)

Mr. Gary Friedel, MLA
Peace River (PC)

Ms Marlene Graham, MLA
Calgary-Lougheed (PC)

Mrs. Mary O'Neill, MLA
St. Albert (PC)

Dr. Raj Pannu, MLA
Edmonton-Strathcona (ND)

Dr. Kevin Taft, MLA
Edmonton-Riverview (LIB)

Mr. Don Tannas, MLA
Highwood (PC)

RECOMMENDATION

At the May 6, 2003 meeting of the Select Special Ethics Commissioner and Ombudsman Search Committee, the following recommendation was passed by the Committee:

> **MOVED** by Mr. Friedel that the Select Special Ethics Commissioner and Ombudsman Search Committee recommend to the Legislative Assembly that Donald M. Hamilton be appointed Ethics Commissioner.

SELECTION PROCESS

The Committee held its first meeting on December 17, 2002 and with the assistance of Ms Alayne Stewart, Manager- Executive Search, Personnel Administration Office (PAO), developed guidelines for advertising, position profiles, search timetables and procedures.

Advertisements for the position of Ethics Commissioner were placed in all of Alberta's daily newspapers, and in the Toronto Globe and Mail during the weekend of January 4th, 2003. The advertisement and position profile was also posted on the Legislative Assembly website.

The Committee decided that it would undertake its review for the position of Ethics Commissioner before completing its review of submissions for the position of Ombudsman.

The Committee received a total of 126 applications for the position of Ethics Commissioner, with 99 applications from Alberta, 5 from British Columbia, 3 from Saskatchewan, 2 from Manitoba, 13 from Ontario, 3 from Quebec, and 1 from outside Canada. One candidate withdrew her application from the competition. Executive Search, PAO completed comprehensive screening reports for each candidate and the Committee reviewed the applications received along with the screening reports to determine a short-list for preliminary interviews. At the direction of the Committee, Executive Search conducted preliminary interviews with 12 candidates and the Committee then selected 4 candidates for final interviews, which were held on March 26th and March 28th, 2003.

After the interview process was completed, it was the decision of the Committee that Donald Hamilton be recommended to the Legislative Assembly as the Ethics Commissioner for the Province of Alberta.

BIOGRAPHY OF DONALD M. HAMILTON

Mr. Don Hamilton was born in Edmonton and has over 30 years of senior executive experience in business, government relations and public affairs. His broad work experience includes business consulting in government relations, member and President of Edmonton Northlands, entrepreneur, Executive Assistant to a former Premier of Alberta, and pastoral ministering. For the past three years he has served as a member and Chair of the Horse Racing Tribunal.

Through his diverse experiences Mr. Hamilton has an excellent knowledge of Alberta and its people. He holds a Bachelor of Arts Degree and a Bachelor of Divinity from the University of Alberta and is an ordained Minister in the United Church of Canada. He has served as a volunteer United Church Minister and continues to provide his services as required. Through his education studies, community volunteer experiences, and involvement with the Alberta Centre for Ethics, Mr. Hamilton has a strong base and understanding of natural law.

Ethics Commissioner

LEGISLATIVE ASSEMBLY
OF ALBERTA

January 2003

ETHICS COMMISSIONER

(A) POSITION SUMMARY

The Ethics Commissioner works with Members of the Legislative Assembly to review and discuss private disclosure statements filed by Members, prepares public disclosure documents, investigates complaints, and provides advice and recommendations regarding Members' obligations. In promoting the understanding of the Members' obligations under the Conflicts of Interest Act, the Commissioner provides information, facilitates individual discussions, and maintains contact with party caucuses.

(B) RELATIONSHIP TO THE LEGISLATIVE ASSEMBLY

As an Officer of the Legislature, the Lieutenant Governor in Council appoints Alberta's Ethics Commissioner, on the recommendation of the Legislative Assembly.

The Ethics Commissioner reports to the Legislative Assembly through the Speaker with respect to annual reports, investigation reports, and matters relating to the Commissioner's jurisdiction or authority under the Conflicts of Interest Act.

The Select Standing Committee has the responsibility for reviewing the budget and operations of the Offices of the Ethics Commissioner, Information and Privacy Commissioner, Ombudsman, Auditor General, and Chief Electoral Officer. The Select Standing Committee is comprised of Members appointed from all parties in the Assembly.

The Committee reviews annual budget estimates, reports issued, operation of the office, and the salary paid to the Ethics Commissioner. Should questions be raised regarding any of these matters, the Chair of the Select Standing Committee advises the elected Members. The Ethics Commissioner meets with the Select Standing Committee during the year as necessary.

(C) MAJOR RESPONSIBILITIES

- Reviews all private disclosure statements filed by Members and meets with every Member of the Legislative Assembly (and spouse, if applicable) "as soon as practicable" after the filing of the private disclosure statement.

- Prepares a public disclosure statement from the private disclosure statement and files it with the Clerk of the Legislative Assembly.

- Reviews disclosure statements filed by designated senior officials of the Government of Alberta.

- Investigates complaints from any person respecting an alleged breach of the Act by a Member. Requests for an investigation may come from a member of the public, from Members requesting an investigation of another Member, and from Executive Council requesting an investigation of a member of Executive Council.

- Reports all investigations and all decisions to cease an investigation, or a refusal to conduct an investigation.

- Promotes the understanding of the Members' obligations under the Act by facilitating personal discussions about disclosure statements.

- Prepares and disseminates written information about the Members' obligations, and maintains contact with party caucuses.

- Maintains regular contact with Ethics Commissioners or their equivalent in other jurisdictions. The Commissioner also attends related conferences and meetings such as the Conference on Government Ethics Laws.

- Prepares an annual report on the operations of the office, which includes reports of investigations undertaken, ceased, or refused to be undertaken.

- Prepares the office budget, which is presented to the Select Standing Committee on Legislative Offices for approval.

- Gives advice and provides recommendations on any matter respecting obligations of the Member or former Minister under the Act.

- Gives advice and provides recommendations of general application to Members or former Ministers on matters respecting obligations of Members and former Ministers under the Act.

- Oversees the effective and efficient management of the office including processes and procedures necessary to fulfill the duties and functions set out in the Act.

- Provides advice to designated senior officials with respect to their obligations.

(D) FINANCIAL AND HUMAN RESOURCE MANAGEMENT

The staff includes the Commissioner, a senior administrator, and administrative support. Contract resources are available for additional support to carry out the Commissioner's responsibilities. The current budget for this office is approximately $387,000.

(E) PROFESSIONAL ASSOCIATIONS/LIAISON

The Ethics Commissioner maintains an active role in the Canadian Conflict of Interest Network and the Council on Governmental Ethics Laws.

(F) TERMS AND CONDITIONS

The Lieutenant Governor in Council appoints the Ethics Commissioner on the recommendation of the Assembly for a term of five (5) years, with provision for reappointment. Under legislative requirements, the Ethics Commissioner may not be a Member of the Legislative Assembly. The Select Standing Committee reports on the search for the Ethics Commissioner to the Legislative Assembly and recommends the appointment of the Commissioner.

The position salary range of $90,00 - $105,000 is currently under review and will be established by the Standing Committee on Legislative Offices. A comprehensive benefit package is offered. The Office of the Ethics Commissioner is located in Edmonton.

(G) THE PERSON

The demands of this position require attributes that go beyond a specific discipline or academic achievement. In addition to the knowledge, experience and skill requirements of the role, applicants will have the proven ability to apply a balanced common sense approach while using sound judgment, and to demonstrate fairness, patience, integrity, and tolerance. Credibility in a chosen career, respect within the community, and an understanding of the political context of this role are key. Canadian citizenship is required.

1. Knowledge/Experience

- Working knowledge of business management practices, financial investments and trusts
- Working knowledge of the parliamentary system
- Knowledge of law and an understanding of administrative law concepts including natural justice
- Extensive diverse experience dealing with people

2. Skills and Abilities

- Demonstrates exceptional communication skills with a proven ability to make presentations, facilitate meetings, write reports and discuss and resolve issues effectively
- Investigates, analyzes and integrates relevant information from a variety of sources
- Offers strong decision-making skills